

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEPHEN YANG,

Plaintiff,

- against -

COED MEDIA GROUP, LLC

Defendant.

Docket No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Stephen Yang (“Yang” or Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant Coed Media Group, LLC (“Coed” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of copyrighted photographs of Columbia University student Jonah Reider’s dorm room restaurant owned and registered by Yang, a New York City based photojournalist. Accordingly, Yang seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant reside in and/or are doing business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Yang is a professional photojournalist in the business of licensing his photographs to online, print, and television stations for a fee, having a usual place of business at 270 Empire Boulevard, #1K, Brooklyn, NY 11225. Yang has national and international experience traveling the world capturing photographs. His photos have appeared in the The New York Times, Bloomberg News, The New York Post, The Wall Street Journal, The Washington Post, The Boston Globe, Time Out Magazine, New York Magazine and other outlets.

6. Upon information and belief, Coed is a limited liability company duly organized and existing under the laws of the State of New York, with its principal place of business at 237 West 35th Street, Suite 704, New York, NY 10001. At all times material hereto, Coed has operated and continues to operate a website at the URL: www.CollegeCandy.com (the “Website”).

STATEMENT OF FACTS

A. Background and Plaintiff’s Ownership of the Photographs

7. In September 2015, Columbia University student, Jonah Reider, opened a new American restaurant named Pith in his dorm room. Four nights a week, Reider serves four diners a five to eight course dinner prepared in the common kitchen in his suite at Hogan Hall. Reider takes reservations via Yelp and is open to both students and the public. Reider’s dorm room restaurant was not only heavily covered by the press in New York City, but it also gained national attention.

8. On or about October 5, 2015, Yang photographed Reider preparing a five-course meal for his roommates Jordan Walters and Dexter Callender in his dorm room restaurant. True and correct copies of said photographs (the "Photographs") are attached hereto as Exhibit A (*Jonah Reider in Apartment*) and Exhibit B (*Friends at Table*).

9. Yang then licensed the Photographs to the New York Post. On October 7, 2015, the New York Post ran an article that featured the Photographs in its web edition entitled *The hottest table in town is in a Columbia University dorm*. See <http://nypost.com/2015/10/07/the-hottest-table-in-town-is-in-a-columbia-university-dorm/> (last visited March 20, 2016). Yang's name was featured in a gutter credit identifying him as the photographer of the Photographs. A true and correct copy of the web edition of the article is attached hereto as Exhibit C.

10. Yang is the author of the Photographs and has at all times been the sole owner of all right, title and interest in and to the Photographs, including the copyrights thereto.

11. The Photographs were registered with Copyright Office and were given Copyright Registration Number VA 1-987-334, effective January 5, 2016. A true and correct copy of the Certificate of Registration of the Photographs are attached here as Exhibit D.

B. Defendant's Infringing Activities

12. Upon information and belief, on or about October 7, 2015, Coed ran its own article on the Website entitled *Columbia Student/Dorm Room Chef Is Giving The Dining Hall Some Competition* (<http://collegecandy.com/2015/10/07/jonah-reider-columbia-university-dorm-room-chef-pith/>) (last visited March 20, 2016). The article prominently featured the Photographs. A true and correct copy of screen shots of the Photographs on the article is attached hereto as Exhibit E.

CLAIM FOR RELIEF

(COPYRIGHT INFRINGEMENT AGAINST COED)
(17 U.S.C. §§ 106, 501)

13. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-12 above.

14. Coed infringed Plaintiff's copyright in the Photographs by reproducing and publically displaying the Photographs in an article on the Website. Coed is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photographs.

15. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyrights and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

16. Upon information and belief, the foregoing acts of infringement by Coed have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

17. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyrights and exclusive rights under copyright, Plaintiff is entitled to damages and defendant's profits pursuant to 17 U.S.C. § 504(b) for each infringement.

18. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendant's willful infringement of the Photographs, pursuant to 17 U.S.C. § 504(c).

19. Plaintiff further is entitled to his attorney's fees and full costs pursuant to 17 U.S.C. § 505.

20. Defendant's conduct, described above, is causing, and unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that can not be fully

compensated by or measured in money damages. Plaintiff has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Coed be adjudged to have infringed upon Plaintiff's copyrights in the Photographs in violation of 17 U.S.C §§ 106 and 501;
2. Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photographs; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
March 20, 2016

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